

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| ELCOMMERCE.COM, INC., | : | CIVIL ACTION |
| | : | |
| Plaintiff-Counter-Defendant, | : | |
| | : | |
| v. | : | NO. 09 - 4458 |
| | : | |
| SAP AG and SAP AMERICA, INC., | : | |
| | : | |
| Defendants-Counter-Plaintiffs. | : | |
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ORDER

AND NOW, this 28th day of February 2011, upon consideration of the Joint Claim Construction and Prehearing Statement (Document No. 51, filed September 17, 2010), Plaintiff elcommerce's Opening Claim Construction Brief (Document No. 52, filed October 1, 2010), Defendants' Responsive Claim Construction Brief (Document No. 54, filed October 29, 2010), Plaintiff elcommerce's Reply Claim Construction Brief (Document No. 56, filed November 12, 2010), Letter of David J. Wolfsohn, interpreted by the Court as a Supplemental Claim Construction Brief (Document No. 68, filed January 11, 2011) and Plaintiff elcommerce's Supplemental Claim Construction Brief (Document No. 72, filed January 19, 2011), following a Markman Hearing held December 1, 2010, for the reasons set forth in the Memorandum dated February 28, 2011, **IT IS ORDERED** as follows:

1. The disputed claim terms in U.S. Patent Number 6,947,903 are **DEFINED** as follows:

- a. “Independent supply chain site” – appearing in some form in Claims 1, 22, 37, 38, 50, 53 and 54 – **MEANS** “a supply chain entity that is not subject to the control or authority of, and is unrelated to, each other supply chain entity”;
- b. “Extracting supply-related data or information” – appearing in some form in Claims 1, 22, 37, 38, 50, 53 and 54 – **MEANS** “copying data or information and removing the copy and/or the data or information” with this extraction process occurring at “each independent supply chain site”;
- c. “Scanning for changed supply-related data or information” – appearing in some form in Claims 1 and 50 – **MEANS** “scanning, at each independent supply chain site, for changed supply-related data or information”;
- d. “Detecting changed supply-related data or information” – appearing in some form in Claims 22, 38 and 53 – **MEANS** “detecting, at each independent supply chain site, changed supply-related data or information”;
- e. “Monitoring for changed supply-related data or information” – appearing in some form in Claims 37 and 54 – **MEANS** “monitoring for, at each independent supply chain site, changed supply-related data or information”; and
- f. “Each,” as used in the definitions set forth in 1(a)-(e), supra, **REFERS** to each supply chain entity referenced in the particular claim term, not necessarily each site in the entire supply chain; and

2. The following claim terms are **DECLARED INDEFINITE** under 35 U.S.C. § 112 ¶ 2 for failure to identify corresponding structure, as required by 35 U.S.C. § 112 ¶ 6:
- a. The term “means for monitoring changed supply-related data at independent supply chain sites within the supply chain,” which appears in Claim 37;
 - b. The term “means for extracting, at each supply chain site, the supply-related data to be monitored,” which appears in Claim 37;
 - c. The term “means for publishing the formatted data view to the user’s supply chain site,” which appears in Claim 37;
 - d. The term “means for translating the data to a common format,” which appears in Claim 37;
 - e. The term “means for uploading and collecting, from each supply chain site, the extracted data to a data collection site,” which appears in Claim 37;
 - f. The term “means for formatting, at the data collection site, a portion of the collected data,” which appears in Claim 37;
 - g. The term “means for monitoring, at the data collection site, inbound data from multiple supply chain sites,” which appears in Claim 37;
 - h. The term “means for detecting a problem condition if there is a supply chain surplus or shortage detected,” which appears in Claim 37;
 - i. The term “means for responding to a problem condition by asserting an alert,” which appears in Claim 37;

- j. The term “input means for allowing a user associated with a supply chain site to query the data collector for supply-related data retrieved from one of the supply chain sites other than the site of the user,” which appears in Claim 22; and
- k. The term “encryption means for encrypting the data before transferring,” which appears in Claim 25.

BY THE COURT:

/s/ Hon. Jan E. DuBois
JAN E. DUBOIS, J.